



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 16, 2005

King Creek Grazing Association
C/O Wilder Hatch
2787 Kelly Toponce Rd
Bancroft, ID 83217

The Thelma Redford Trust
2882 Nipper Rd
Bancroft, ID 83217

Ken and Jim Andrus
6948 E Old Oregon Trail Rd
Lava Hot Springs, ID 83246

Re: Unauthorized Use of King Creek Grazing Pipeline as Point of Diversion for Andrus and Redford
Water Rights from Toponce Creek

Dear Gentlemen,

In 2003 and 2004 the Department sent correspondence to you advising that the King Creek Grazing pipeline is not a valid or official point of diversion for certain Toponce Creek water rights owned by Ken and Jim Andrus, and The Thelma Redford Trust. It is the Department's understanding that the King Creek Grazing Association may currently own the Redford Trust rights. Last year IDWR approved a temporary transfer that moved the point of diversion under the Andrus and Redford rights from points downstream on Toponce Creek to the pipeline upstream on Toponce Creek. This temporary change was authorized pursuant to Section 42-222A and on the basis that Caribou County was declared a drought emergency. The temporary change approval expired on December 31, 2004.

Please be advised that there is no current authorization to divert the Andrus and Redford Trust Toponce Creek water rights from the King Creek Grazing pipeline. Authorization to divert the rights from the pipeline can only occur through an approved water right transfer application or another drought temporary change application. There has been no declaration of drought for Caribou County as of this date.

Please contact me directly at 208-287-4959 or our regional office if you have questions concerning this matter.

Sincerely,

Tim Luke
Manager, Water Distribution Section

CC: Mike and Eileen Chambers
Steve Hebdon, Watermaster, Water District 29
Roger Warner, IDWR Eastern Regional Office
Cindy Bird, IDWR Soda Springs Field Office